

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOYCE JONAS,

Plaintiff,

vs.

No. CIV 09-0091 JB/WPL

BOARD OF COMMISSIONERS OF LUNA COUNTY,
LUNA COUNTY SHERIFF'S OFFICE,
DEPUTY SHERIFF DONNIE DANIELS,
and DEPUTY SHERIFF DON HOOLAN,

Defendants.

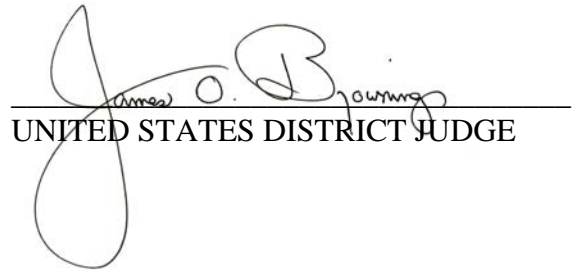
ORDER

THIS MATTER comes before the Court on the County Defendants' Motion in Limine No. II: the Exclusion of Evidence at Trial Regarding Prior and Subsequent Bad Acts Related to Gerald Hefley, Jr. and Billy Hefley, filed February 25, 2010 (Doc. 56). The Court held a hearing on March 5, 2010. The primary issue is whether the Court should exclude, pre-trial, any evidence of prior and subsequent bad acts related to Gerald Hefley, Jr. and Billy Hefley. Plaintiff Joyce Jonas did not file a response to this motion and, at the hearing on the motion, Jonas' counsel consented to the Court granting this motion. See Transcript of Hearing at 14:17-25 (taken February 25, 2010)(Court, Mozes)("I think it's appropriately excluded, Your Honor.");¹ D.N.M. LR-Civ. 7.1(b) ("The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion."). The Court will thus grant the motion.

IT IS ORDERED that the County Defendants' Motion in Limine No. II: the Exclusion of

¹ The Court's citations to the transcript of the hearing refer to the court reporter's original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

Evidence at Trial Regarding Prior and Subsequent Bad Acts Related to Gerald Hefley, Jr. and Billy Hefley is granted.



UNITED STATES DISTRICT JUDGE

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